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C O N F I D E N T I A L SECTION 01 OF 02 SANAA 002328

SIPDIS

STATE FOR OPS AND NEA/ARP

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TAGS: [PTER](#) [PREL](#) [ASEC](#) [KVPR](#) [YM](#) [COUNTER](#) [TERRORISM](#)

SUBJECT: ROYG TO APPEAL LIGHT SENTENCES IN GROUP TERRORISM TRIAL

REF: SANAA 2021

Classified By: DCM N. Khoury for reasons 1.4 (b) and (d).

¶11. (C) Summary and comment: Deputy Attorney General Sharaf al-Mahbashi and Chief Prosecutor Saeed al-Aqel told DCM on 8/29 that the prosecution has already filed for an appeal over the 8/28 Trial One (reftel) sentences for the now convicted al-Qa'ida associates. The prosecutors will seek harsher penalties for all the defendants, including death sentences for the perpetrators of the M.V. Limburg bombing. Aqel expects the USS COLE trial to conclude after two or three more sessions, (i.e. two to three more weeks). Expressing surprise at the light sentences for some of the defendants, the DCM complimented the Attorney General's office for their excellent work and their cooperation with Embassy FBI staff. DCM stressed that the USG shared ROYG interest in a transparent trial in which convicted felons receive punishments to the full extent of Yemeni law. End summary and comment.

¶12. (U) On 8/28 Judge Ahmed al-Jarmouzi issued sentences in the group terrorism trial, but did not issue a written verdict. Al-Jazeera reported the following, which Post assesses to be the most accurate accounting of the sentences:

Ten Years in prison for the 2002 attack on the French tanker M.V. Limburg:

-- Omer Sa'id Jarallah
-- Fawzi al-Hababi
-- Mohammed al-Ammari
-- Fawzi al-Wajih
-- Yasser Ali al-Madani

Ten Years in prison for plotting to attack the Civil Aviation and Meteorology Authority (i.e. Hunt Helicopter attack):

-- Fawaz al Rabi'ea
-- Abu Bakr al-Rabi'ea

Five years in prison for plotting to attack foreign embassies in Sanaa and for planning to kill the U.S. Ambassador to Yemen:

-- Ibrahim al-Howeid
-- Aref Saleh Mujalli
-- Mohammed Ali al-Daylami
-- Qassem al-Rayni
-- Abdul-Ghani Dhayfan

Three years in prison for forging documents:

-- Salim al-Dulaymi
-- Kahled al-Juloab

One sentenced to death for killing a Ministry of Interior policeman while fleeing the attack on the Hunt helicopter:

-- Hizam Mujallad

ROYG to Appeal Light Sentences

¶13. (C) On 8/29 DCM and Pol/Econ officer called on Assistant Attorney General Sharaf al-Mahbashi and Lead Prosecutor Saeed al-Aqel to gauge ROYG reaction to the 8/28 sentencing announcement. Cautioning the DCM not to believe press reports until the court issues the final written verdict, Aqel said that his office was surprised at the light sentences and has already filed an appeal seeking more stringent punishments. For those convicted in the M.V. Limburg bombing, Aqel is aiming for the death penalty and will request 10-year prison terms for those accused of plotting against Western embassies and trying to kill the U.S. Ambassador, the maximum punishment under Yemeni law.

¶14. (C) Aqel expects the appeal process to be short, but said that he will work to enhance his case for the appeal hearings. Commenting that the sentences were not logical, Aqel said that Mujallid received the death penalty and his partner, Fawaz al-Rabi'ea, received ten years for the same crime. Aqel added that the ROYG believes all fifteen defendants' crimes are linked and criticized the judge's decision to issue separate sentences for connected terrorist activities. Mahbashi affirmed that the whole process has

been free of political pressure and that his office will make every effort to see that the defendants are punished to the utmost extent of Yemeni law.

USS COLE Trial Continues

15. (C) Turning to the ongoing USS COLE trial, Agel said he expects two to three more hearings before the defense will rest its case. DCM raised allegations made by defense attorneys on 8/25 that a former Minister issued USS COLE defendant al-Harazi a pass allowing free movement through checkpoints. Questioning the pass' veracity, Agel said that the defense only submitted a poor copy of the document and speculated that the document may be forged. Mahbashi interjected that the defense has constantly tried to confuse the issue through surprises and political diatribes. Explaining that Yemeni law does not recognize copies of documents, Agel said the defense has failed to produce an original document so the issue has been ruled inadmissible. Agel said he believes the defense, whatever the verdict, will also appeal the decision.

KRAJESKI